

REMARKS

Claims 1 to 11 and 13 to 25 are now pending in the application. Minor amendments have been made to the specification and claims to simply overcome the objections to the specification and rejections of the claims under 35 U.S.C. § 112. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

PENDING CLAIMS

Applicant respectfully notes that the Office Action asserts that claims 1 to 12 and 14 to 25 are now pending. However, it is believed that claim 12 was previously canceled and claim 13 remains pending.

OATH/DECLARATION

The Office Action asserts that the Oath or Declaration is defective because the declaration is missing a signature. However, the Office of Petitions granted the signing inventors status under 37 C.F.R. 1.47(a) to make the application on behalf of themselves and the nonsigning inventor. A copy of the Decision Granting Status Under 37 C.F.R. 1.47, mailed November 25, 2002, is attached.

Accordingly, it is believed that a new oath or declaration is not required.

DOUBLE PATENTING

The application stands rejected for non-statutory double patenting in view of Application No. 10/042,374. This rejection is respectfully traversed.

The Office Action asserts that the subject matter claimed in the instant application would be covered by claims in the referenced co-pending application. However, the subject matter claimed in the instant application, as will be set forth below, would not be covered by the claims of the referenced application.

For example with regard to claim 13, the Office Action asserts that a processor of a data services link responsive to data received from a communication apparatus to control a switch to selectively couple avionics units to the data services link may be seen in claims 11, 12, 6 to 10, and 1 to 4 of the referenced application. In sharp contrast, claim 11 of the referenced application claims manual control of the connections (see line 21).

Since the referenced application teaches manual control, the reference teaches away from a processor responsive to data to control a switch, as set forth in claim 13. Thus, per M.P.E.P. 2145, it is impermissible to use application number 10/042,374 alone, or in combination, to render the claimed subject matter obvious.

Accordingly, the Applicants respectfully request that the non-statutory double patenting rejection of claim 13 and the claims dependent thereon, claims 14 to 23 be withdrawn. For reasons similar to those set forth above, the Applicants respectfully request that the non-statutory double patenting rejection of claims 1 to 12, 24, and 25 be withdrawn.

REJECTION UNDER 35 U.S.C. § 112

Claims 13 to 24 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Office Action asserted that the limitation "said avionics unit" in lines 10 of claims 13 and 24 lack antecedent basis. However, the Applicants have amended claims 13 and 24 so that the claims recite "from said avionics units" which has antecedent basis in line 2 of claims 13 and 24. Since the amendments were made merely to clarify antecedent basis the amended claims are of equivalent scope to the previously presented claims.

Accordingly, the Applicants respectfully request that the 35 U.S.C. § 112 rejection of the claims be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

Claims 1 to 5, 7 to 9, 11, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright (U.S. Pat. No. 6,160,998) in view of Houlberg (U.S. Pat. No. 5,307,505). This rejection is respectfully traversed.

Regarding claim 1, the Office Action asserts that Houlberg teaches of electronically switching a communication path. However, Houlberg teaches of an operator pressing a switch. Thus Houlberg, teaches a manual switch and not an automatic switch. Moreover, Houlberg teaches manually switching between loading a file and not loading a file. (See column 6 lines 34 to 36). In contrast, claim 1 recites automatically switching a communications path, as opposed to manually switching the loading of a file. As to Wright, the Office Action correctly states that Wright does not

teach of electronically (automatically) switching a communication path. Thus, neither Houlberg nor Wright teaches or even suggests automatically switching a communication path.

Since neither Wright nor Houlberg teach or even suggest automatically switching a date path, the combination fails to teach each and every limitation of the claimed invention. Accordingly, the Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 1 and the claims dependent thereon, claims 2 to 5, 7 to 8, and 25 be withdrawn.

For reasons similar to those set forth above, the Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 9, and 11 be withdrawn.

Claims 6 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright in view of Houlberg and further in view of Weiler et al (U.S. Pat. No. 5,307,505). This rejection is respectfully traversed.

Since independent claims 1 and 9 are believed to be in condition for allowance as set forth above, applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of claims 6 and 10, which depend from allowable claims 1 and 9, respectively, be withdrawn.

Claims 13 to 16, 18, 19, and 21 to 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright in view of Houlberg and further in view of Bird et al (U.S. Pat. No. 5,079,707). This rejection is respectfully traversed.

With respect to claim 13, and as the Office Action states correctly, neither Wright nor Houlberg teach controlling an electronic switch. Accordingly, neither Wright nor Houlberg teach controlling an electronic switch onboard an aircraft. Likewise, Bird

teaches a switch matrix on automatic test equipment, not onboard an aircraft (see column 5, lines 50 to 54). Thus, neither Wright, Houlberg, nor Bird, teaches or even suggests controlling an electronic switch onboard an aircraft.

Accordingly, the Applicants respectfully requests that the 35 U.S.C. § 103(a) of claim 13 and the claims dependent thereon, claims 14 to 16, 18, 19, and 21 to 23, be withdrawn.

For reasons similar to those set forth above, the Applicants respectfully requests that the 35 U.S.C. § 103(a) rejection of claim 24 be withdrawn.

Claim 17 stands rejected as under 35 U.S.C. § 103(a) as being unpatentable over Wright in view of Houlberg and further in view of Bird and further in view of CNS Systems, Inc. (CNS Systems Inc. "Data for the Air transport Industry"). This rejection is respectfully traversed.

As set forth above, independent claim 13 is believed to be allowable. Since claim 17 depends from an allowable independent claim, claim 13, the Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 17 be withdrawn.

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright in view of Houlberg and further in view of Bird and further in view of Weiler et al (U.S. Pat. No. 5,970,395). This rejection is respectfully traversed.

As set forth above, independent claim 13 is believed to be allowable. Since claim 20 depends from an allowable independent claim, claim 13, the Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claim 20 be withdrawn.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: R.L.Villhard
Robert L. Villhard
Reg. No. 53,725

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

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